

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
CASE NO. 22-10480**

IRISH JENKINS, Jenkins

v.

KOCH FOODS, INC., et al., Appellees

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION
Case No. 2:17-cv-364-RAH**

**APPELLEE MELISSA MCDICKINSON'S MOTION TO SEAL ORAL
ARGUMENT**

MARION F. WALKER
Of Counsel
Alabama Bar No. WAL016
FISHER PHILLIPS LLP
2100A South Bridge Parkway
Ste. 650
Birmingham, Alabama 35209
Telephone: (205) 327-8534
Facsimile: (205) 718-7607
Email: mfwalker@fisherphillips.com

ANDREW J. BAER, *Pro Haec Vice*
Of Counsel
FISHER PHILLIPS LLP
201 St. Charles Avenue
Suite 3710
New Orleans, LA 70170
Telephone (504) 522-3303
Facsimile (504) 529-3850
abaer@fisherphillips.com

**COUNSEL FOR APPELLEES, DAVID BIRCHFIELD AND MELISSA
MCDICKINSON**

Date: April 21, 2023

**CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT
No. 22-10480 Irish Jenkins v. Koch Foods Inc., et al.**

Magistrate Judge Wallace Capel, Jr.

Magistrate Judge Stephen Michael Doyle

Barlotta, Rachel – Counsel for Defendants/Appellees Koch Foods, Inc. and Koch Foods of Alabama, LLC

Birchfield, David – former Appellee

Carow, Michael - Vice-President for Human Resources Koch

Defendant/Appellee Koch Foods, Inc. and/or Koch Foods of Alabama, LLC

Edwards, Sonya – Counsel for Plaintiff

Elrod, Bobby – Former Vice-President for Human Resources Koch

Defendant/Appellee Koch Foods, Inc. and/or Koch Foods of Alabama, LLC

Fancher, Sharonda Childs – Counsel for Defendants/Appellees Koch Foods, Inc. and Koch Foods of Alabama, LLC

Fisher Phillips LLP – Counsel for Defendants/Appellees Melissa McDickinson and David Birchfield

Guerrier, Charles E. – Counsel for Plaintiff/Appellant

Haynes, Alicia K. – Counsel for Plaintiff/Appellant

Haynes & Haynes, PC - Counsel for Plaintiff/Appellant

Heather Leonard, PC – Counsel for Plaintiff/Appellant

District Court Judge R. Austin Huffaker, Jr.

Koch Foods of Alabama, LLC – Defendant/Appellee

Harmon, Bart Gregory – Counsel for Alabama Department of Corrections
Legal Division, Movant in the District Court

Jackson, Steven – Witness

Karlson, Daisy Christina – Counsel for Defendants/Appellees Koch Foods
Inc. and Koch Foods of Alabama, LLC

Koch Foods, Inc. – Defendant/Appellee

Leonard, Heather Newson – Counsel for Plaintiff/Appellant

McDickinson, Melissa – Appellee

District Court Judge Emily C. Marks

Reese, Annalese Herndon – Former Counsel for Defendants/Appellees
Melissa McDickinson and David Birchfield

Smith Ashley Nicole of Miller Smith, LLC – Counsel for Steven Jackson

Pursuant to Fed. R. App. 26.1, counsel also makes the following disclosures:

Melissa McDickinson is an individual and has no corporate disclosure obligations.

CERTIFICATE OF COMPLIANCE

I certify in conformance with App. Rule 32(g) that this Motion contains 805 words
and is Times Roman 14 pt. font type.

Marion F. Walker
Marion F. Walker

NOW COMES, Melissa McDickinson, by and through her attorneys and moves the court to seal the oral argument set to take place on May 4, 2023 in this case and for grounds therefore, says as follows:

1. The factual background of this appeal from the entry of summary judgment by the district court judge, involves salacious allegations of sexual activity by Ms. McDickinson, which she denies.
2. The appeal *de novo* to this court requires that Appellant Jenkins' allegations be viewed in a light favorable to his case and/or as the district court did, accepting his testimony as true for purposes of the appeal.
3. Many members of the public who would be able to access this oral argument do not appreciate the judicial doctrines that must be applied to consider the validity of a summary judgment motion. As a result, many people, including those who are familiar with or have never met Ms. McDickinson will assume from the argument that what Appellant Jenkins' claims is in fact true and thereby cast her name and person in a false light.
4. As it is, the district court's opinion failed to fairly and prominently state from the beginning that the rule that Appellant Jenkins' version of the facts were being accepted as true, was being followed and Ms. McDickinson denied the claims.

5. Appellant Jenkins will not suffer any harm if the oral argument is sealed yet Ms. McDickinson stands to suffer grievous and irreparable harm if it is not.

WHEREFORE, PREMISES CONSIDERED, Melissa McDickinson moves the court to seal the oral argument to be held in this case on May 4, 2023 and provide as much protection against dissemination of the allegations involved in this appeal as possible.

s/ Marion F. Walker

MARION F. WALKER

Alabama Bar No. WAL016

FISHER PHILLIPS LLP

2100A South Bridge Parkway

Ste. 650

Birmingham, Alabama 35209

Telephone: (205) 414-7419

Facsimile: (205) 718-7607

Email: mfwalker@fisherphillips.com

ANDREW J. BAER

Of Counsel

FISHER PHILLIPS LLP

201 St. Charles Avenue

Suite 3710

New Orleans, LA 70170

Telephone (504) 522-3303

Facsimile (504) 529-3850

Email: abaer@fisherphillips.com

COUNSEL FOR APPELLEES,

DAVID BIRCHFIELD AND

MELISSA MCDICKINSON

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of April, 2023 a copy of Appellee Melissa McDickinson' Motion to Seal Oral Argument was filed using the Court's ECF/CM system, which will send a notice of electronic filing to all counsel of record.

s/ Marion F. Walker
Of Counsel